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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 2nd December, 1968/Agrahayana 11, 1890 (Saka)

The following President's Acts are published for general information:—

**THE UTTAR PRADESH TOLLS VALIDATION ACT,
1968**

No. 33 OF 1968

Enacted by the President in the Nineteenth Year of the Republic of India.

An Act to validate the levy of certain tolls.

In exercise of the powers conferred by section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1968, the President is pleased to enact as follows:—

1. (1) This Act may be called the Uttar Pradesh Tolls Validation Act, 1968. Short title and commencement.

(2) It shall come into force at once.

Validation of
levy of tolls
on certain
bridges
during a
certain
period.

2. (1) Notwithstanding any judgment, decree or order of any court, all tolls levied or purporting to have been levied during the period beginning with the 22nd day of March, 1963 and ending on the commencement of this Act under the U.P. Government notification No. 2662-C/XXIII-PWA-133C/1960, dated 22nd March, 1963, issued under section 2 of the Indian Tolls Act, 1851, in respect of bridges notified, from time to time, under paragraph 2 of the U.P. Government notification No. 5495 (3)-C/XXIII-PWA-217C-1953, dated 1st November, 1956, issued under section 2 of the said Act, shall be deemed to have been lawfully levied as if the said bridges had been notified under paragraph 2 of the first-mentioned notification on the 22nd March, 1963; and accordingly,—

(a) no suit or other proceeding shall be maintained or continued in any court for the refund of any toll levied or recovered from any person as aforesaid in respect of any such bridge; and

(b) no court shall enforce a decree or order directing the refund of any toll paid by any person in respect of any such bridge before the commencement of this Act.

(2) For the removal of doubts it is hereby declared that nothing in sub-section (1) shall be construed as preventing any person from claiming refund of any toll paid by him in respect of any such bridge in excess of the amount that would have been due from him if the bridge had been duly notified on the 22nd day of March, 1963, under the first-mentioned notification.

ZAKIR HUSAIN,
President.

V. N. BHATIA,
Secy. to the Govt. of India.

Reasons for the enactment

In 1956, the Government of Uttar Pradesh decided to levy toll on those bridges constructed after July 21, 1956 and lying on roads under the control and management of the State Public Works Department which cost more than Rs. 2.50 lakhs and had a span of more than 200 ft. Accordingly, under section 2 of the Indian Tolls Act, 1851, a notification dated November 1, 1956 containing the terms and conditions for the levy of tolls and fixing the rates of toll was issued. It was also provided in this notification that the bridges which would be subject to levy of tolls shall be notified from time to time. The said notification dated November 1, 1956 was amended

from time to time and was finally superseded by the notification dated March 22, 1963. In this new notification it was provided that the terms and conditions and the rates of toll contained therein would be applicable to those bridges which were notified thereafter under paragraph 2 of the said notification.

2. By inadvertence, however, no fresh notification was issued in respect of the bridges which had been declared as toll bridges prior to the issue of the said notification dated March 22, 1963. The Allahabad High Court has held the levy of toll on those bridges as illegal for want of such notification. The proposed measure seeks to validate the levy of tolls on such bridges during the period from March 22, 1963 to-date.

3. The Committee constituted under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1968 (7 of 1968), has been consulted before the enactment of this measure as a President's Act.

P. GOVINDAN NAIR,
Secy. to the Govt. of India,
Ministry of Finance.

THE UTTAR PRADESH PUBLIC MONEYS (RECOVERY OF DUES) AMENDMENT ACT, 1968

NO. 34 OF 1968

Enacted by the President in the Nineteenth Year of the Republic of India.

An Act to amend the Public Moneys (Recovery of Dues) Act, 1965.

In exercise of the powers conferred by section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1968, the President is pleased to enact as follows:—

1. This Act may be called the Uttar Pradesh Public Moneys Short title. (Recovery of Dues) Amendment Act, 1968.

Uttar Pradesh Act XXV of 1965. 2. In the long title to the Public Moneys (Recovery of Dues) Act, Amendment of long title. 1965 (hereinafter referred to as the principal Act), after the words "the Uttar Pradesh Financial Corporation", the words "or to the State Bank of India, a scheduled bank or a Government company" shall be inserted.

Amendment
of section 2.

3. In section 2 of the principal Act,—

(i) in clause (b), in sub-clause (iii), for the words “animal husbandry”, the words “agriculture, horticulture, animal husbandry or agro-industry” shall be substituted;

(ii) after clause (b), the following clause shall be inserted, namely:—

“(bb) ‘Government company’ means a Government company as defined in section 617 of the Companies Act, 1956;”;

1 of 1956.

(iii) after clause (d), the following clauses shall be inserted, namely:—

“(dd) ‘scheduled bank’ means a bank for the time being included in the Second Schedule to the Reserve Bank of India Act, 1934;

2 of 1934.

“(ddd) ‘State Bank of India’ means the State Bank of India constituted under the State Bank of India Act, 1955;”;

23 of 1955.

(iv) after clause (e), the following clause shall be inserted, namely:—

“(f) ‘State-sponsored scheme’ means a scheme sponsored by way of financial assistance by the State Government under which the State Government guarantees or agrees to guarantee the repayment of a loan, advance or grant or the payment of the price of goods, as the case may be, referred to in clause (aa) of sub-section (1) of section 3.”.

Amendment
of section 3.

4. In section 3 of the principal Act, in sub-section (1),—

(i) for clause (a), the following clauses shall be substituted, namely:—

“(a) to any agreement relating to a loan, advance or grant given to him, or relating to hire-purchase of goods sold to him, by the State Government or the Corporation by way of financial assistance, or

(aa) to any agreement relating to a loan, advance or grant given to him, or relating to hire-purchase of goods sold to him, by the State Bank of India or a scheduled bank or a Government company, as the case may be, under a State-sponsored scheme, or”;

(ii) for the words “the Managing Director thereof”, the words “or a Government company, the Managing Director thereof, and in the case of the State Bank of India or a scheduled

bank, the local agent thereof, by whatever name called," shall be substituted.

ZAKIR HUSAIN,
President.

V. N. BHATIA,
Secy. to the Govt. of India.

Reasons for the enactment

For purposes of development of agriculture and agro-industries, the Uttar Pradesh Agro-Industrial Corporation Ltd., a Government Company registered under the Companies Act, 1956, has been set up exclusively with the funds of the State Government and the Government of India for supplying on credit or hire-purchase, agricultural implements and machinery to agriculturists in Uttar Pradesh. The World Bank has also proposed to give loans to be distributed through the State Bank of India to the agriculturists of the State, on the guarantee of the State Government, for helping them in obtaining resources necessary for intensive cultivation. Other scheduled banks are also likely to participate in such schemes, and other corporations having the character of Government Companies may have to be formed in future, for providing financial assistance for various purposes enumerated in section 2(b) of the Public Moneys (Recovery of Dues) Act, 1965 (U.P. Act No. XXV of 1965). It is necessary, for protection of public funds, to provide for recovery of the amounts due from defaulters as arrears of land revenue by amending suitably the Public Moneys (Recovery of Dues) Act, 1965.

2. The measure is being enacted accordingly.

3. The Committee constituted under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1968 (7 of 1968), has been consulted before the enactment of this measure as a President's Act.

P. GOVINDAN NAIR,
Secy. to the Govt. of India,
Ministry of Finance.

THE UTTAR PRADESH CIVIL LAWS AMENDMENT ACT, 1968

No. 35 OF 1968

Enacted by the President in the Nineteenth Year of the
Republic of India.

An Act further to amend the Code of Civil Procedure, 1908,
the Bengal, Agra and Assam Civil Courts Act, 1887, and the
Provincial Small Cause Courts Act, 1887, in their
application to Uttar Pradesh.

In exercise of the powers conferred by section 3 of the Uttar
Pradesh State Legislature (Delegation of Powers) Act, 1968, the President is pleased to enact as follows:—

Short title
and extent.

1. (1) This Act may be called the Uttar Pradesh Civil Laws
Amendment Act, 1968.

(2) It extends to the whole of Uttar Pradesh.

Substitution
of new sec-
tion for
section 42.

2. For section 42 of the Code of Civil Procedure, 1908, as amended 5 of 1908.
in its application to Uttar Pradesh, the following section shall be
substituted, namely:—

Powers of
Court in
executing
transferred
decree.

“42. (1) The Court executing a decree sent to it shall have
the same powers in executing such decree as if it had been passed
by itself. All persons disobeying or obstructing the execution of
the decree shall be punishable by such Court in the same manner
as if it had passed the decree, and its order in executing such
decree shall be subject to the same rules in respect of appeal as
if the decree had been passed by itself.

(2) Without prejudice to the generality of the provisions of
sub-section (1), the powers of the Court under that sub-section
shall include the following powers of the Court which passed
the decree, namely:—

(a) power to send the decree for execution to another
Court under section 39;

(b) power to execute the decree against the legal re-
presentative of the deceased judgement-debtor under section
50;

(c) power to order attachment of a decree.

(3) A Court passing an order in exercise of the powers specified in sub-section (2) shall send a copy thereof to the Court which passed the decree.

(4) Nothing in this section shall be deemed to confer on the Court to which a decree is sent for execution any of the following powers, namely:—

(a) power to order execution at the instance of the transferee of a decree;

(b) in the case of a decree passed against a firm, power to grant the leave to execute such decree against any person other than such a person as is referred to in clause (b) or clause (c) of sub-rule (1) of rule 50 of Order XXI.

12 of 1887. 3. In section 21 of the Bengal, Agra and Assam Civil Courts Act, 1887, as amended in its application to Uttar Pradesh (hereinafter referred to as the Bengal, Agra and Assam Civil Courts Act), for sub-section (1), the following sub-sections shall be substituted, namely:—

Amendment
of section
21.

“(1) Save as aforesaid, an appeal from a decree or order of a Civil Judge shall lie—

(a) to the District Judge where the value of the original suit in which, or in any proceeding arising out of which, the decree or order was made, whether instituted or commenced before or after the commencement of the Uttar Pradesh Civil Laws Amendment Act, 1968, did not exceed twenty thousand rupees, and

(b) to the High Court, in any other case.

(1A) An appeal from a decree or order of a Civil Judge where the value of the original suit in which, or in any proceeding arising out of which, the decree or order was made exceeded ten thousand rupees but did not exceed twenty thousand rupees instituted in the High Court before the commencement of the Uttar Pradesh Civil Laws Amendment Act, 1968, may be transferred by the High Court for disposal to any District Judge or Additional Judge subordinate to it.”.

4. In section 25 of the Bengal, Agra and Assam Civil Courts Act, 1887, as amended in its application to Uttar Pradesh (hereinafter referred to as the Bengal, Agra and Assam Civil Courts Act), for the words “five hundred rupees” and “two hundred and fifty rupees”, the words “one thousand rupees” and “five hundred rupees” shall respectively be substituted.

Amendment
of section 25.

Amendment
of section 15.

5. In section 15 of the Provincial Small Cause Courts Act, 1887,—*p* of 1887.

(a) in sub-section (2), for the words “five hundred rupees”, the words “one thousand rupees” shall be substituted;

(b) in sub-section (3), for the words “one thousand rupees”, the words “two thousand rupees” shall be substituted.

ZAKIR HUSAIN,
President.

V. N. BHATIA,
Secy. to the Govt. of India.

Reasons for the enactment

Section 42 of the Code of Civil Procedure was amended in its application to Uttar Pradesh by the U.P. Civil Laws (Reforms and Amendment) Act, 1954 (U.P. Act XXIV of 1954). The object of the amendment was to confer on the court to which a decree is transferred for execution, the power of the original court in respect of substitution of legal representatives, and other similar powers. But an unfortunate and unintended effect of the amendment as then drafted was that a transferee Civil Court was deprived of the power to execute the decree against immovable property where the original court was a court of small causes. This lacuna has been pointed out by the High Court in its judicial decisions and was also noticed by the Mukherjee Committee on the Causes of Corruption in Subordinate Courts. There has been a persistent demand by Bar Associations to rectify the mistake. It is accordingly proposed that the section may be amended on the lines suggested by the Law Commission of India in its 27th Report on the amendment of the said Code.

2. It is further proposed to amend the Bengal, Agra and Assam Civil Courts Act, 1887, for increasing the pecuniary appellate jurisdiction of the District Judges from Rs. 10,000 to Rs. 20,000 with a view to reducing arrears in the High Court. The fall in the value of the rupee since 1887 (when the limit of Rs. 5,000 was fixed) also justifies further increase in the appellate jurisdiction of District Judges.

3. It is also proposed as recommended by the Law Commission of India to increase the limits of pecuniary jurisdiction in small causes suits, exercised by Munsifs, Civil Judges and Small Cause Court Judges respectively, from Rs. 250, Rs. 500 and Rs. 1,000 to Rs. 500, Rs. 1,000 and Rs. 2,000. The existing pecuniary limits were

fixed eighty years back (except in the case of Munsifs whose jurisdiction was last raised in 1911) since when the value of rupee has fallen considerably. The effect of these amendments will be to reduce the arrears in the subordinate civil courts inasmuch as small cause cases take much less time to dispose of than regular suits, and decisions in these suits are also not subject to appeal.

4. The Committee constituted under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1968 (7 of 1968), has been consulted regarding the enactment of this measure as a President's Act.

V. N. BHATIA,

*Secy. to the Govt. of India,
Ministry of Law, Legislative Deptt.*

